

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

John P. Hicks

(ENTER ABOVE THE NAME OF THE PLAINTIFF IN THIS ACTION)

~~IF THE PLAINTIFF IS A PRISONER:~~

PRISONER # 535-065

vs.

A. J. WAGNER

(ENTER ABOVE THE NAME OF THE DEFENDANT IN THIS ACTION)

IF THERE ARE ADDITIONAL DEFENDANTS PLEASE LIST THEM:

STEVEN M. ABSHIRE

Thomas P. Liptack

COMPLAINT

I. PARTIES TO THE ACTION:

PLAINTIFF: PLACE YOUR NAME AND ADDRESS ON THE LINES BELOW. THE ADDRESS YOU GIVE MUST BE THE ADDRESS THAT THE COURT MAY CONTACT YOU AND MAIL DOCUMENTS TO YOU. A TELEPHONE NUMBER IS REQUIRED.

John Paul Hicks # 535-065

NAME - FULL NAME PLEASE - PRINT

Chillicothe Corr. Inst. 15802 St. Rt. 104, North, P.O. Box 5500

ADDRESS: STREET, CITY, STATE AND ZIP CODE

Chillicothe, Ohio 45601

N/A

TELEPHONE NUMBER

IF THERE ARE ADDITIONAL PLAINTIFFS IN THIS SUIT, A SEPARATE PIECE OF PAPER SHOULD BE ATTACHED IMMEDIATELY BEHIND THIS PAGE WITH THEIR FULL NAMES, ADDRESSES AND TELEPHONE NUMBERS. IF NO ADDITIONAL PLAINTIFFS EXIST CONTINUE WITH THIS FORM.

PAGE 2 AND 3 OF THIS FORM DEAL ONLY WITH A PLAINTIFF THAT IS INCARCERATED AT THE TIME OF FILING THIS COMPLAINT.

PREVIOUS LAWSUITS:

- A. HAVE YOU BEGUN OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION OR OTHERWISE RELATING TO YOUR IMPRISONMENT? YES () NO ☒
- B. IF YOUR ANSWER TO A IS YES, DESCRIBE THE LAWSUIT IN THE SPACE BELOW. (IF THERE IS MORE THAN ONE LAWSUIT, DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THE SAME OUTLINE.)

I. PARTIES TO THIS PREVIOUS LAWSUIT

PLAINTIFFS:

DEFENDANTS:

2. COURT (IF FEDERAL COURT, NAME THE DISTRICT; IF STATE COURT, NAME THE COUNTY)

3. DOCKET NUMBER

4. NAME OF THE JUDGE TO WHOM THE CASE WAS ASSIGNED

5. DISPOSITION (FOR EXAMPLE, WAS THE CASE DISMISSED? WAS IT APPEALED? IS IT STILL PENDING?)

6. APPROXIMATE DATE OF THE FILING OF THE LAWSUIT

7. APPROXIMATE DATE OF THE DISPOSITION

Chillicothe Correctional Institution

- A. IS THERE A PRISONER GRIEVANCE PROCEDURE IN THIS INSTITUTION?
YES ☒ NO ☐
- B. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT IN THIS STATE PRISONER GRIEVANCE PROCEDURE? YES ☐ NO ☒
- C. IF YOUR ANSWER IS YES:
1. WHAT STEPS DID YOU TAKE?
- _____
- _____
- _____
2. WHAT WAS THE RESULT?
- _____
- _____
- _____
- D. IF YOUR ANSWER IS NO, EXPLAIN WHY NOT.
- _____
- N/A*
- _____
- _____
- E. IF THERE IS NO PRISON GRIEVANCE PROCEDURE IN THIS INSTITUTION, DID YOU COMPLAIN TO PRISON AUTHORITIES? YES ☐ NO ☐
- F. IF YOUR ANSWER IS YES:
1. WHAT STEPS DID YOU TAKE?
- _____
- _____
- _____
2. WHAT WAS THE RESULT?
- _____
- _____
- _____

DEFENDANTS.

PLACE THE NAME AND ADDRESS OF EACH DEFENDANT YOU LISTED IN THE CAPTION ON THE FIRST PAGE OF THIS COMPLAINT. THIS FORM IS INVALID UNLESS EACH DEFENDANT APPEARS WITH FULL ADDRESS FOR PROPER SERVICE.

1. A.S. WAGNER, JUDGE, 8 Courthouse
NAMES - FULL NAME PLEASE
41 North PERRY STREET, DAYTON, Ohio 45422-2156
ADDRESS - STREET, CITY, STATE AND ZIP CODE
2. STEVEN M. ABSHINE, Assistant Prosecuting Attorney,
301 West 3rd Street, P.O. Box 912, Dayton, Ohio 45422-0912
3. Thomas P. Liptock, Attorney at Law, 2121 Miamisburg -
Centerville Road, Centerville, Ohio 45459
4. _____
5. _____
6. _____

IF THERE ARE ADDITIONAL DEFENDANTS, PLEASE CONTINUE LISTING THEM.

PLEASE WRITE AS BRIEFLY AS POSSIBLE THE FACTS OF YOUR CASE. DESCRIBE HOW EACH DEFENDANT IS INVOLVED. INCLUDE THE NAME OF ALL PERSONS INVOLVED. GIVE DATES AND PLACES.

DO NOT GIVE ANY LEGAL ARGUMENTS OR CITE ANY CASES OR STATUTES.

IF YOU HAVE A NUMBER OF DIFFERENT CLAIMS; PLEASE NUMBER AND SET FORTH EACH CLAIM IN A SEPARATE PARAGRAPH. USE AS MUCH SPACE AS YOU NEED. YOU ARE NOT LIMITED TO THE PAPERS WE GIVE YOU. ATTACH EXTRA SHEETS THAT DEAL WITH YOUR STATEMENT CLAIM IMMEDIATELY BEHIND THIS PIECE OF PAPER.

On or about 2-2007, Plaintiff was indicted, in pro forma, by the Montgomery County Grand Jury. For four (4) counts of Sexual Battery, a violation of remedial statute ORC 2907.03(A)(1) is a felony of the third degree. And subsequently by fraud and deception of the defendants pleaded guilty to all four counts. And reviewed from defendant Wagner, a sentence of 5 years for counts 1-3 and 3 years for count 4. For a total of 8 years imprisonment. On January 4th, 2008 Hicks submitted a motion to vacate his conviction and sentence, and subsequent proceedings pursuant to ORC 2950 et. seq, for lack of jurisdiction. Neither the Court of Common Pleas or the Office of the Prosecuting Attorney has responded. Defendants have personally violated Hicks' civil rights to the equal protection of the law, and his right to trial by jury by fraud and deception. As no substantive law was invoked in this matter. The State of Ohio is not a party in interest. As there is no lawful accuser. Hicks' plea is void, and his conviction and sentence is void ab initio. As defendant Wagner was without lawful authority to hear and determine the matter. And defendant Abshire was without legal authority to act for the state of Ohio. And defendant Lipton by fraud and deception convinced Hicks that he was lawfully charged with a crime.

RELIEF

IN THIS SECTION PLEASE STATE (WRITE) BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT, CITE NO CASES OR STATUTES.

Plaintiff moves this Court to grant him an award of \$400,000⁰⁰ in compensatory damages from each Defendant. Further, an award of \$400,000⁰⁰ in punitive damages for the illegal use of state authorities and fraud and deception of Plaintiff by the Defendants, using state remedial laws without the invocation of state substantive criminal law.

SIGNED THIS 20th DAY OF February 2008.


SIGNATURE OF PLAINTIFF